

## **Policy processes of a land grab: at the interface of politics ‘in the air’ and politics ‘on the ground’ in Massingir, Mozambique**

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The creation and enforcement of policies have been proposed as necessary to protect rural dwellers from dispossession by land grabs. Failing to consider the influence of the micro-politics of the policy implementation phase, these policies are insufficient. Based on an in-depth case study from southern Mozambique of a collision between a green grab and a land grab, this paper describes how two policies were used, first to facilitate a land grab and then to rescind the land concession. At a shifting intersection between politics ‘in the air’ and politics ‘on the ground’, convergence and later divergence among powerful groups shaped the space for policy enactment.

**Keywords:** policy enactment; resettlement; land grab; green grab; Limpopo National Park; Mozambique

They come in and want to invest 510 million dollars, but I have to tell them that the law says they have to consult with the communities?? They don’t want to have to do that! They just want to know if they can invest or not, and if they can’t they’ll go elsewhere.

–Anonymous government official, September 2007

### **Introduction**

Government officials negotiating large-scale private land acquisitions find themselves in a complicated situation. They can be stuck between adhering to policies designed to protect citizens, and demands placed on them by foreign investors, other governmental bodies or their own personal interests to bend or reinterpret policies. National policy meant to protect people’s rights to their land exists in many countries, but has proven to be minimally effective (Cotula and Vermeulen 2011). Despite this, debates about how to protect the people most vulnerable to loss of livelihoods from the threats that large-scale foreign land acquisitions pose focus on international policy that national governments would be responsible for enforcing (Seufert 2013; von Braun and Meinzen-Dick 2009). While improved national laws and international guidelines may provide a resource for peasant resistance against dispossession of land, they also provide a resource for government officials and private companies to legitimate land grabs (Borras and Franco 2010; De Schutter 2011; Li 2011). The micro-politics of how these policies get enacted in practice is ultimately what determines whether they will help or hinder the defense of rural dwellers’

rights to their land and resources, yet there is little research available that documents this process.

Policy analysts have long been troubled by the topic of how to narrow the gap between policy intention, such as the protection of land tenure, and policy in practice. Insights from policy analysis reveal that policy is rarely implemented in the way that was intended (DeLeon and DeLeon 2002). Policy is in fact not implemented, implying a linear process, but *enacted*. Policy enactment is the ‘creative processes of interpretation and translation, that is, the recontextualisation through reading, writing and talking, of the abstractions of policy ideas into contextualised practices’ (Braun et al. 2011, 586). The way that a policy process plays out in practice depends on the interpretation of the policy by the range of actors involved. Different actors may interpret the same policy to have contradictory practical implications, and search for other groups that have similar interests to strengthen their case (Wagenaar 2011). This paper explores the convergence and divergence of networks of people and how this influenced the trajectory of three simultaneous land claims in southern Mozambique. The three land claims studied were: a large-scale foreign land acquisition of a company called ProCana, considered to be a land grab for the production of sugar and ethanol (Borras, Fig, and Suárez 2011); the Limpopo National Park (LNP), established in 2001, considered to be a green grab because of the way in which the establishment of the park has affected the residents of the area (Lunstrum [Forthcoming](#)); and a community-based nature conservancy funded and facilitated by the African Wildlife Foundation (AWF). The way in which two policies, the Mozambican National Land Law and the World Bank Operational Procedure for Involuntary Resettlement, were first enacted to favor the land acquisition by ProCana and subsequently to terminate it is analyzed. This research was carried out primarily at the local level and provides the kinds of details that are necessary to understand the micro-politics of how large-scale land acquisition policy processes play out on the ground. This paper uses the notion of policy enactment to explore the potential for international policy to contribute to protecting the land tenure of the rural dwellers threatened by land grabs, and what happens when a green grab intersects with a land grab.

I first introduce land grabbing and policy enactment, then outline methods used in data collection and analysis and the background of the case study before presenting the case material.

### ***Land grabbing and green grabbing***

Land grabs are considered to be major land acquisitions made by transnational corporations or foreign governments in another country through long-term leases, concessions, purchases and even theft (Rosset 2011). Land has been acquired through land grabbing for a number of purposes, such as for growing biofuel and food crops, mining concessions, large infrastructure projects, carbon-credit plantations and tourism (Zoomers 2010). Green grabbing is a form of land grabbing for conservation or environmental purposes. This includes protected areas such as national parks established and owned by the state, often linked also to private interests and the commodification of nature (Fairhead, Leach, and Scoones 2012; Ojeda 2012). While green grabbing has been a less obvious form of land grabbing, it legitimizes land appropriation that restructures the rules of access and use of resources, negatively impacting the livelihoods of local people (Fairhead, Leach, and Scoones 2012). To date, there has been little empirical evidence of what happens when a land grab and a green grab compete for the same land and political resources (Lunstrum [Forthcoming](#)).

These land deals, including the case presented in this paper, involve close alignment between national governments and foreign investors (Alden Wily 2011a; Borras and Franco 2010), and can leave the resident population landless or without access to the natural resources that form the basis of their livelihood activities (Zoomers 2010). Loss of access to resources for productive purposes, as well as loss of heritage and of important cultural resources, is one way that land grabs are causing dispossession for local people (Vermeulen and Cotula 2010). Loss of self-determination, autonomy and control over resources is another way in which people are being dispossessed – this is being done through administrative and procedural mechanisms that systematically exclude residents and resource users (Vermeulen and Cotula 2010). Alden Wily demonstrates how most of the dispossession is occurring through legal means, by national governments, within the terms of domestic property laws (Alden Wily 2012), and that the laws that govern land tenure are actually enablers of the dispossession (Alden Wily 2011a).

The general international response to this wave of land grabbing has been to propose improved governance in the host countries to minimize unjust dispossession of land and resources through, for example, improved demarcation of land and international guidelines (Deininger and Byerlee 2011). Two sets of voluntary guidelines have been developed to regulate land grabbing: one by the African Union (AU) (African Union 2009) and the other by the Food and Agricultural Organization (FAO) (FAO 2012; Seufert 2013). There has been little reported about the implementation of these guidelines, but considerable debate on the potential for them to protect people from dispossession.

Cerneia (1993) argues that new guidelines that set higher standards than the existing ones, if there are any at all, provides something for affected people to lean on and mobilizes political and economic resources in support of the cause. Some cases illustrate the ways in which resistance of local populations can and do shape land deals (Neville and Dauvergne 2012; Smalley and Corbera 2012). The role of mobilization of people and resources including knowledge is fundamental in negotiating and challenging land grabs (White et al. 2012). A policy or a code of conduct can become a resource in this process of mobilization (Fortina and Richardson 2013). As Vermeulen and Cotula (2010, 915) suggest, the struggle to maintain control of land and resources may well open new space for political organization among marginalized groups.

Some authors think, however, that guidelines will do little to curb the processes of land grabbing (Zoomers 2010). Others argue that the idea of guidelines does not sufficiently question the underlying causes of land grabbing, accepts that land grabbing is inevitable and embraces the assumption that transparent and participatory land acquisitions are better than non-participatory ones (Borras and Franco 2012). De Schutter (2011) argues that attempts to regulate foreign land acquisition presuppose that investments can lead to a desirable situation if properly managed, and goes on to describe why this is not the case. Borras and Franco (2010) describe how any effort to regulate a land deal is unlikely to produce positive outcomes for local people, barring the local elite, if the main aim of the land acquisition is not primarily to protect and advance the interests of the residents. These guidelines could also become enablers of dispossession in the way that Alden Wily (2011a) describes that national laws have become. Borras and Franco (2010, 521) suggest that a human rights-based approach should be taken to prevent land grabbing rather than accepting a second-best response to an inevitable advancement of capitalist interests. Cotula and Vermeulen (2011) suggest focusing efforts on legal empowerment, collective action and improvement of national policies and procedures rather than on the development of international guidelines. Borras and Franco (2013) explore how reactions from ‘below’ are under-researched.

International policy assumes that governments have an interest and the capacity to improve practices and protect the rights of rural dwellers, but it has been argued that this is not necessarily the case (Cotula and Vermeulen 2011; Hall and Paradza 2012; Wisborg 2013a). The 'state' as a player in land grabs is often portrayed as a single, unified institution, whereas in practice it often consists of multiple, contradictory and ambiguous perspectives (Hall and Paradza 2012). Many states are in fact active partners in land deals (Wolford et al. 2013) in which individuals in government stand to benefit significantly from the deals (Fairbairn 2013). The governments of countries where land grabbing is an important phenomenon tend to also be those most interested in foreign investment, as well as those that can be considered to be 'weak states' (FAO et al. 2010). However, the conclusion that 'improved' governance is the answer to the problems of land-grabbing fails to take into consideration the micro-politics at hand (Li 2011). In order to understand the potential of a policy to protect the rights of rural dwellers, or to make space for their resistance, it is crucial to analyze the micro-politics that shape the policy process. In this paper, I explore the interface between politics 'in the air', referring to the networks formed around a large-scale land acquisition at the level of the state, donors and foreign private company when they are functioning far from the land itself, and politics 'on the ground', involving the residents of the land and local actors affected by the project in practice, including the private foreign company itself when it begins to implement activities in the terrain. The use of these terms is intended to highlight the way in which local people do not react to or resist land claims in isolation, but rather they are embedded in networks and influenced by events and development narratives. It is also a fluid categorization in which actors shift from being 'in the air' to 'on the ground' and vice versa.

### *Policy enactment*

Despite the fact that it is widely recognized that policies are not implemented in a linear fashion, the policy process continues to be conceptualized linearly, from policy formulation to some sort of practical improvement of the problem at hand (Keeley and Scoones 2003). This is evident in international debates about environmental and social problems, such as land grabbing, that end in a call for new policies, guidelines or treaties, or better enforcement of existing ones. Many earlier explanations for the 'gap' between policy intention and policy in practice identified technical practicalities, such as the wording of the policy text, miscommunication, lack of incentives or lack of capacity, to be major causal factors (DeLeon and DeLeon 2002; Yanow 1996). This kind of explanation is based on the assumption that the problems are concrete and fixable, and the 'correct solution' can be found (Hofmann 1995; Yanow 1996).

This perspective ignores the inherently political nature of policy (Keeley and Scoones 2003). Policies are written and implemented giving primacy to a specific kind of knowledge, such as scientific knowledge, and often ignore other types of knowledge, such as local or traditional knowledge (McGee 2004). Furthermore, studies have shown how the same policy artifact can give rise to different events, outcomes and practices in different contexts (DeLeon and DeLeon 2002). People come to understand policy messages based on their own agency, pre-existing knowledge, practices and perceptions of the world, their social context and the nature of their connections to the policy (Coburn 2001; Spillane, Reiser, and Reimer 2002; Yanow and Schwartz-Shea 2006). The actual text of policy documents is rarely read, and policy ideas are transmitted by other people through networks, already embodying considerable interpretation (Van Bommel et al. 2010) even before the policy in practice is consolidated as a set of practices.

In this paper, I use the concept of ‘enactment’ to refer to the process of interpretation and reinterpretation of policy ideas into contextualized practices (Braun et al. 2011). Conceptualizing policy implementation as enactment shifts the focus away from the policy intentions and gives primacy to the process of co-creation of the contextualized practices that ultimately determine policy in practice. At the collective level, the contextualized practices resulting from policy enactment are influenced by a combination of factors including political, historical and social contexts, as well as power struggles and socially constructed meanings of the policy ideas (Yanow 1995). The way that networks converge to actively create, maintain and change the meanings of policy ideas is an important factor that influences the course of the policy process (Wagenaar 2011). The case in this paper is presented in a chronological fashion in order to illustrate how, through convergence and divergence of networks, the same policy ideas are consolidated as one set of practices and later altered to entail another, very distinct set of practices.

### **Data collection and analysis**

This paper is based on ethnographic research carried out during a total of 40 months between December 2006 and June 2010, and a follow-up visit during the month of July 2014 in the district of Massingir. Research was focused on the process of resettlement of people from the LNP, specifically the enactment of the World Bank Operational Policy for Involuntary Resettlement (WB OP 4.12). However, when the conflicts between the resettlement project and ProCana became a central part of the resettlement process in 2007, I also turned to focus on the 1997 Mozambican Land Law. Participant observation and interviews were the main methods employed while living in the first village resettled from the LNP over a period of 2 years during the preparation for resettlement (December 2006 to November 2008), and for 18 months in the post-resettlement location (November 2008 to June 2010). Deliberations between village residents, park officials and representatives of the company ProCana, as well as between donor representatives and government officials, were documented. More than 200 open and semi-structured interviews with residents in eight villages, district, provincial and national government officials (including park staff), donor representatives, private consultants, and nongovernmental organization (NGO) staff were conducted. In addition, I attended and recorded the proceedings of 11 park and two internal village meetings in which resettlement was discussed. Meetings and interviews were transcribed and translated, as were unpublished park documents, consultancy reports and meeting minutes.

### **Background: a rush for land and the policies in place**

#### ***Overview of the case***

In 2001, the LNP was established in the province of Gaza in Southern Mozambique as part of the Great Limpopo Transfrontier Conservation Area (GLTFCA). The GLTFCA connects the Kruger National Park in South Africa with Gonarezhou National Park in Zimbabwe and Zinhave, and Banhine and Limpopo National Parks in Mozambique. Inside the boundaries of the park, there were 27,000 people who claimed the land as their home. Park managers decided in 2003, after the establishment of the park, that approximately 7000 of these people, those living in the center of the park, would be resettled outside the park’s boundaries, mostly to the south of the park, in the district of Massingir (Milgroom and Spierenburg 2008) (Figure 1). Major funding for the creation of the LNP and for resettlement was

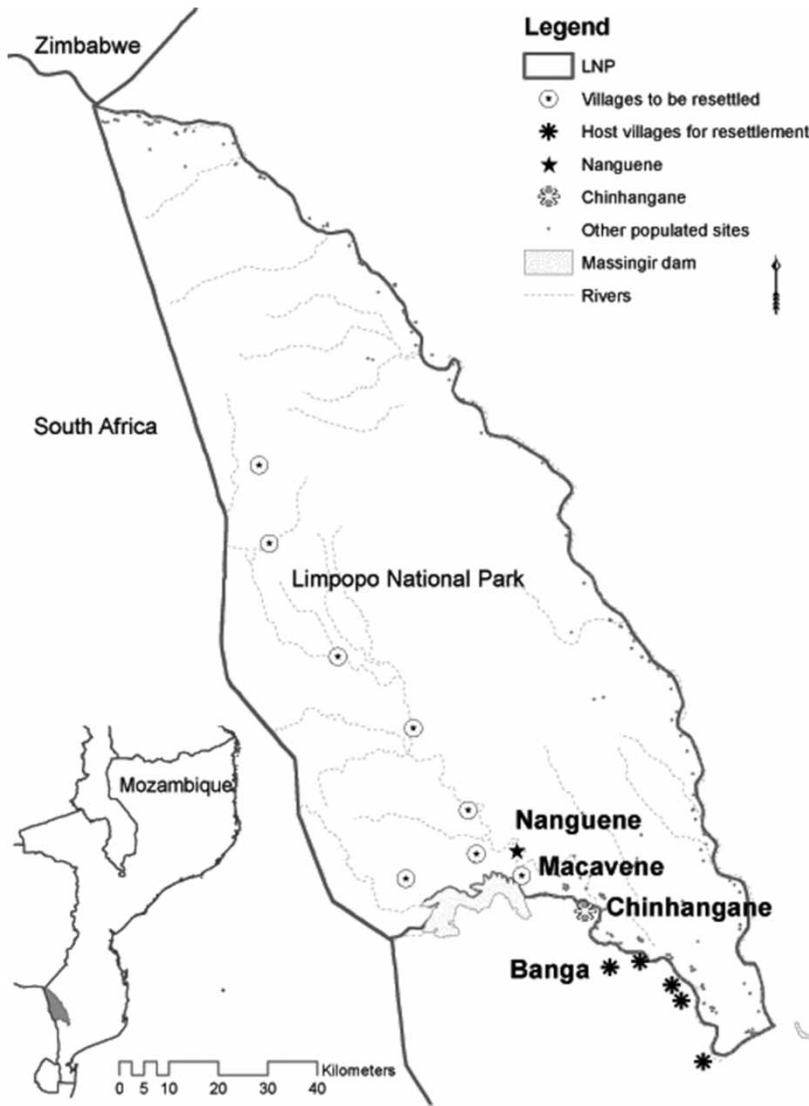


Figure 1. The location of the Limpopo National Park in Mozambique, the first two villages to be resettled – Nanguene and Macavene – and their respective host villages (post-resettlement locations) – Chinhangane and Banga.  
Source: J. Milgroom.

provided by the German development bank that was then called Kreditanstalt für Wiederaufbau (KfW)<sup>1</sup> (Duffy 2006; Milgroom and Spierenburg 2008; Spierenburg and Wels 2006; Wolmer 2003), but KfW made an agreement that the World Bank (WB), which was also funding a different part of the Transfrontier Park project, would oversee the resettlement process because of the WB's experience with resettlement (Milgroom 2012). The World Bank Operational Policy for Involuntary Resettlement was adopted by the Ministry

<sup>1</sup>KfW is now merged into the KfW Bankengruppe.

of Tourism (MiTur), the ministry in charge of the national parks, as the guiding framework for the resettlement initiative. The LNP is considered a green grab because of the way in which the establishment of the park has negatively affected the livelihoods of residents (Lunstrum [Forthcoming](#)).

The land that was planned for resettlement, but not officially registered through the national cadaster, was granted in 2007 by the Ministry of Agriculture (MinAg) to a company called ProCana, a subsidiary of the Central African Mining Company. Widely recognized as a land grab, ProCana proposed to invest USD 510 million to grow sugarcane for ethanol production and create 7000 seasonal jobs. A global hype about the potential for biofuels to become a lucrative business swept Mozambique between approximately 2004 and 2010, peaking in 2008 (Schut, Slingerland, and Lock [2010](#)). Fueled by discourses of a widespread economic, fuel and food crisis, governments across Africa began to map their so-called 'marginal' and 'empty' lands in an effort to identify areas for the production of crops suitable for biofuel production (Benjaminsen and Bryceson [2012](#); Borras, Fig, and Suárez [2011](#)).<sup>2</sup> Strategically located next to the Massingir dam and along the Elephants River, the area conceded to ProCana offered ample land – although by no means 'marginal' or 'empty' – proximity to South Africa, and a source of reliable water, bringing into question, but not analyzed in this paper, the largely overlooked and understudied problem of water grabbing (Borras, Fig, and Suárez [2011](#); Franco, Mehta, and Veldwisch October [2013](#)).

A compromise was reached between MinAg, supporting the ProCana project, and MiTur, in charge of the national parks and the resettlement project. This plan included creating an 'improved' grazing area to compensate resettling and existing villages for land lost to the sugar cane plantation on the other side of the road ([Figure 2](#)). This area was already occupied by a project facilitated by the AWF to create a community-based nature conservancy covering approximately 41,000 ha (Contour Project Managers [2006](#)) on land belonging to three communities. The AWF project is not considered a land grab because of the community-based, participatory and transparent nature of the initiative in its early stages.<sup>3</sup> The details of the case, how decisions were made, local participation in these decisions and the role of the two main policies enacted will be presented below.

### *Two guiding policies*

The two main policies that came into play in this case were the Mozambican National Land Law and the World Bank Operational Policy 4.12. Both are described briefly here.

#### *The Mozambican National Land law*

The Frelimo party (Liberation Front of Mozambique) has been the governing party in Mozambique since independence from Portugal in 1975. Originally harboring a Marxist–Leninist orientation, the end of the Mozambican civil war in 1992 marked a gradual shift to market capitalism, democracy and an administrative decentralization that attempted to promote local-level autonomy (Abrahamsson and Nilsson [1995](#)). The Mozambican land

<sup>2</sup>In Mozambique, by 2008, MinAg had purportedly received 17 proposals from companies wanting to invest in biofuel projects (Schut, Slingerland, and Lock [2010](#)). These projects requested a total of 245,404 ha of land and implied an investment of USD 1.301 billion (Schut, Slingerland, and Lock [2010](#)).

<sup>3</sup>The AWF project never came to fruition; therefore whether or not elements of green grabbing may have emerged in practice is impossible to know.

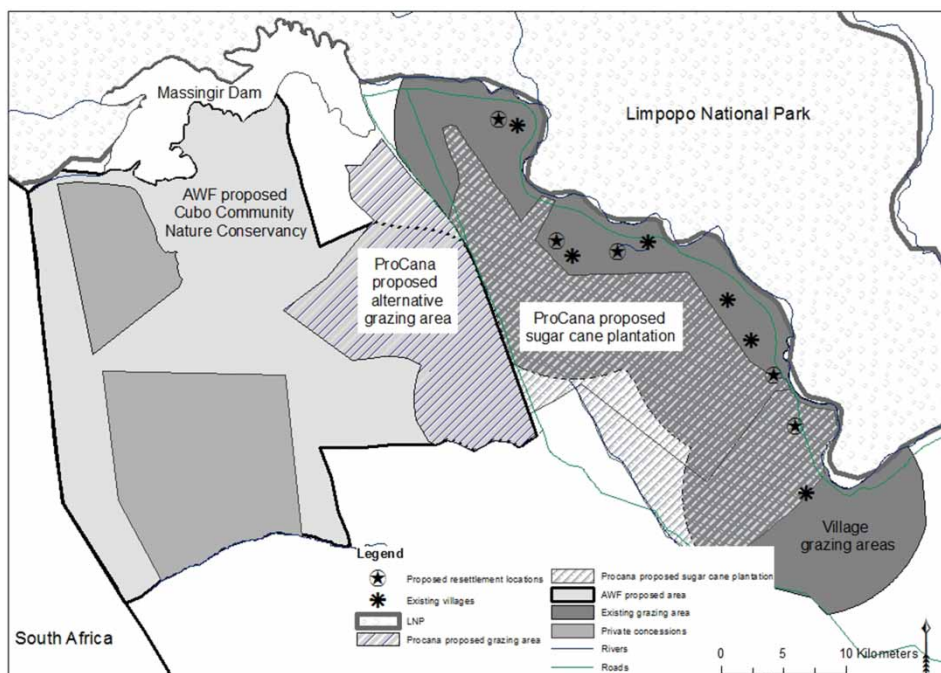


Figure 2. Overlapping land claims in Massingir district, Mozambique. The land secured for the African Wildlife Foundation (AWF) community nature conservancy overlapped with two existing private concessions. The concession given to ProCana overlapped with grazing areas for existing villages and the areas designated for resettlement of villages from the Limpopo National Park (LNP). To compensate villages for lost grazing area, alternative land was identified in AWF's project site causing the community nature conservancy project to stop and AWF to leave Massingir in 2008. ProCana withdrew in 2010.

Source: J. Milgroom.

law, passed in 1997, is a reflection of the political history of the country (Tanner 2010). This law was considered one of the most progressive land laws in the world at the time, and continues to be considered one of the most progressive in Africa, having been drafted through a participatory process, and recognizing customary land tenure (Nhantumbo and Salomão 2010). Under the land ownership of the state, individuals and communities can request that their land be delimited so that they can hold a certificate of occupancy that secures the rights to the use and benefit of the land (*direito de uso e aproveitamento da terra* – DUAT), with which the holder can choose to sell, rent or lease their rights to use the resources on that land. This provides a mechanism to facilitate private investment and at the same time provides communities with the right to be consulted about private use of their land (Tanner 2010). The law requires investors to engage in consultation with communities in order to negotiate use of their land, relegating the state to the role of mediator or regulator (Lunstrum 2008; Norfolk 2004). The ways in which this law is implemented in practice are still intricately tied up in politics (Fairbairn 2013).

#### *The World Bank Operational Policy for Involuntary Resettlement*

Aware of how politically complex resettlement is, and having decided to resettle people from the LNP, the German Development Bank, KfW, depended on the World Bank to

support them in this aspect of their project. The World Bank Operational Policy for Involuntary Resettlement was therefore adopted as the guiding policy for the resettlement project. Adherence to this policy was a condition for the continued funding of the LNP project (Milgroom 2012).

In 1980, the WB developed the first international policy for resettlement (Cernea and McDowell 2000). After a thorough review of resettlement projects funded by the WB (World Bank 1994), the Bank's in-house sociologist, Michael Cernea, developed the Impoverishment Risk and Reconstruction model (Cernea 1997). The model defines the risks commonly associated with resettlement, including economic (landlessness, joblessness and loss of access to common property), socio-cultural (social disarticulation, marginalization) and social welfare risks (homelessness, food insecurity, and morbidity and mortality). This model became the basis for the current World Bank Operational Policy on Involuntary Resettlement.

WB OP 4.12 is one of the most commonly used policies in a wide range of resettlement schemes in both WB and non-WB funded projects around the world (Scudder 2012). It has been adopted as the foundation for many national policies on resettlement (Cernea and Schmidt-Soltau 2006). One of the WB principles of the policy particularly relevant to this case is that it refuses to fund or support projects on disputed lands. Therefore, a fundamental prerequisite for WB approval of projects that involve resettlement is to prove that there are no overlapping land claims. Whether this principle is requested and enforced or not is case-specific.

### **Interpreting policy in favor of the land acquisition (2007–2008)**

ProCana managed to secure a DUAT in less than a year, while it took the AWF community-based project 5 years to do the same following the procedure in the 1997 land law (see also Lunstrum 2008). According to the project reports, it took more than 3 years for the three communities to get their own land delimited and to secure the certificates of occupancy (Stalmans 2004; Contour Project Managers 2006).

The land granted to ProCana overlapped with land needed for resettlement (Figure 2), which had been identified in 2005 (Massango and Chaúque 2005), but not officially registered with the national cadastre.<sup>4</sup> When the WB, responsible for overseeing the resettlement project, found out about the ProCana project on a visit in July of 2007, the representative responsible for the project evoked the principle in the WB OP 4.12, stating that there must not be overlapping land claims on land reserved for resettlement.<sup>5</sup>

Despite conflicts over the overlapping land claim between MinAg (supporting ProCana) and MiTur (supporting the LNP resettlement project), representatives from these ministries aimed to find a rapid solution to the problem so that both of their projects could continue. The potential creation of jobs that the ProCana project promised was also of benefit to the LNP resettlement initiative (and therefore to KfW and WB, who wanted to see resettlement occur as quickly as possible) because it would provide an alternative source of livelihoods for resettled people. This alignment of interests and subsequent convergence of networks allowed the two policies to be enacted in such a way as to favor the land acquisition of ProCana.

<sup>4</sup>Interview, LNP park staff member, Massingir, 22 January 2008.

<sup>5</sup>Interview, External consultant to the LNP resettlement project, Massingir, 30 March 2008.

*Convergence between ProCana and the Ministry of Agriculture*

MinAg granted the 50-year lease of 30,000 ha of land belonging to villages and overlapping other private land concessions. ProCana guaranteed that they adhered to the requirements of the land law, but residents of the villages did not agree with this statement. In the political context of a heavy-handed national government, many residents and village leaders thought they had no choice but to agree to the project. The representatives of ProCana were accompanied by district government officials on their community consultation visits. While community consultation about use of land is supposed to consist of thorough negotiation, these meetings were carried out with a number of villages in a short time period (between October 2006 and early 2007). District officials reportedly instructed the leaders of the villages to find land for ProCana (Manuel and Salomao 2009). As one village leader described the situation,

ProCana just came here and met with the leaders of the communities and in the first meeting leaders had to sign. Some of them just wanted to drink so they took their 300 meticaïs because they thought it was a government project and that they had no choice at all. But then when the community found out, they were very unhappy. They were upset with the leaders for signing before being informed and they were upset with the project because they would be left with very little space for their cattle.<sup>6</sup>

Widespread rumors of bribery at many different levels pervaded discussions about ProCana. It was claimed that ProCana offered money to the district government officials, to national-level officials from MinAg and to the leaders of the villages.

While the LNP was entirely inside of Gaza Province, it was a national park, and therefore governed primarily at the national level by MiTur, often overstepping district and provincial governments. With decentralization efforts in full swing, the governor of the province often disregarded park efforts<sup>7</sup> because the provincial level of governance was regularly bypassed regarding park issues.<sup>8</sup> Resenting this, the governor supported ProCana, also because it was seen to be a more economically lucrative project than a national park, as did the national-, provincial- and initially the district-level branch of MinAg, a more powerful ministry than MiTur. The investment of USD 510 million represented a significant amount for the province, which was at the time one of the least developed provinces of the country. ProCana claimed that conservation would never be able to bring economic development to the area, but that their project would.<sup>9</sup> Rumors spread about the actions that the provincial government was taking to create support for the project at the district level. An anonymous government official reported,

It is also clear that various district level agriculture directors and district authorities have been taken from their posts and moved to other places in Massingir for not being in agreement with the ProCana plan. The previous district level official in the department of agriculture saw clearly all the confusion of the plan proposed by ProCana and stated in a report, which was commented on by the LNP, some of the potential negative consequences of ProCana's plan. Apparently that report was modified and those parts cut out before they got to the national level government and he got moved because of it.<sup>10</sup>

<sup>6</sup>Interview, Leader of a village in the area claimed by ProCana, 28 March 2008.

<sup>7</sup>The dynamics of the governors's role in resettlement changed considerably after 2010, when the provincial and district government began to take a more active role in resettlement (interviews, 2014).

<sup>8</sup>Interview, External consultant, Massingir, 31 July 2007.

<sup>9</sup>Interview, ProCana representative, Massingir, 10 May 2007.

<sup>10</sup>Interview, Anonymous, Massingir, 31 July 2007.

These kinds of actions left little room for voices of resistance against the project by those who feared dispossession. Expectations 'on the ground' were also high about what opportunities the company would actually bring to the region.

***Convergence among the World Bank, the Ministry of Agriculture, the Ministry of Tourism and ProCana***

The WB was responsible for monitoring the resettlement project and its adherence to WB OP 4.12. In January 2008, KfW halted all funding to the resettlement project, at the recommendation of the WB.<sup>11</sup> The WB had three fundamental concerns: first, the security of the land tenure in the resettlement location due to overlapping land claims; second, the lack of consultation with village residents about ProCana; and, third, a lack of technical information about the quantity and quality of grazing resources for the resettling and existing villages in the first phase of both resettlement and ProCana.

With respect to the first concern, in September 2007, the Economic Council of Ministries called a meeting to address the case of the contested land. In this meeting, according to the revised contract signed between MinAg and ProCana, ProCana agreed to compensate the resettled communities for the grazing land they would occupy by providing alternative land for grazing. However, the alternative area identified by ProCana was land on which AFW was planning their project (Figure 2). ProCana promised to improve the grazing potential in the alternative area and to establish an intensive grazing system, complete with boreholes, fences and new varieties of cattle (Contrato Final ProCana-LNP, September 2007). AFW was offered a significantly less desirable piece of land, a long strip that measured 4 km × 22 km and was not feasible for developing a conservancy. Having been forced to abandon their investment of around USD 100,000 and more than 5 years of work, AFW closed their office in Massingir in late 2007. As an AFW employee described it,

It is a long strip of land that is half outside of our community land. What can we do with this? We are interested in conservation; what can we conserve in a space like that? The vegetation is homogeneous, there is no water and it is surrounded by private game concessions. [ ... ] We couldn't even put up a lodge there because there is nothing attractive about the place ... . There is not even room for a campsite there! What are we doing? We can't go ahead with a project that is not sustainable and will never be valid!<sup>12</sup>

The resolution of this conflict was ironic in the sense that it highlights the insecurity of the land tenure established through the national land law. As one government official described it,

AWF helped to delimit land and get land titles for the villages, and went through a process of consultation with the villages, who then agreed to the AFW project. But even still, that land is being taken away and used for something else, therefore they say that the resettlement land could also be taken away, therefore the resettlement land is not secure. The problem is that this is the only instrument that we have in Mozambique right now and I don't know what kind of instrument they want to use to make it more secure.<sup>13</sup>

Yet the option to provide grazing for the resettled villages on AFW's land satisfied the WB's concerns that there were competing land claims, despite the fact that it implied

<sup>11</sup>Interview, Jean Michel Pavy, Programme Director at the World Bank, Massingir, 17 April 2008.

<sup>12</sup>Interview, AFW employee, Massingir, 17 September 2007.

<sup>13</sup>Interview, Government official, Maputo, 31 January 2008.

that AWF had to leave the region after 5 years of work,<sup>14</sup> and that the proposed plan was likely to be culturally inviable. The concept of keeping cattle far from the homestead was not acceptable for most residents, and changing management practices including the varieties of cattle, maintaining the fences and boreholes and ensuring the security of the cattle far away from any villages were elements of the proposal seen to be likely practical obstacles to the success of the initiative.<sup>15</sup>

To address the second concern of the WB, ProCana and the LNP organized a meeting on 23 August 2007 to formally document the consultation with villages. ProCana, government officials, park staff, NGO representatives and the leaders of the villages affected by the ProCana project were present. After this meeting, an agreement was drafted stating that:

All of the leaders were unanimous in affirming that they were waiting to see the ProCana project advance, they had enough land for all of the communities, they had already accepted the proposed grazing areas because these were going to help with the control of the livestock and contribute that their sons would go to school instead of to herd cattle, and that the project was taking too long to start.<sup>16</sup>

It is unclear exactly what happened in this meeting, but according to many of the leaders, they were not, in fact, in agreement with these statements and many others on the signed agreement. A similar agreement was reported, in a document written for the WB, to have been reached with the village that has a DUAT for the land on which the alternative grazing was to be developed, the land previously set aside for the AFW project. The document states that more than 100 village residents present in the meeting agreed to cede their land to the livestock of the resettling villages (Limpopo National Park 2007). Although details could not be confirmed, interviews revealed considerable frustration with the government on the part of the residents involved in the AFW project for its termination, and therefore it is unlikely that this agreement was reached willingly. Attaining signatures on documents despite disagreement with the content is a strategy observed when park staff and government officials from MiTur asked the leaders of the villages slated for resettlement to sign a document saying that they agreed to the meeting minutes, but in actual fact the document was used by MiTur to prove to KfW and the WB that residents had participated in the design of the resettlement houses and agreed to be resettled (Milgroom 2012).

To resolve the third concern of the WB, LNP staff and government officials from MiTur contracted consultants to carry out a carrying capacity study to determine if there were enough grazing resources for the villages affected by the first stage of the ProCana project, and including the alternative grazing area.<sup>17</sup> The hired consultant produced three versions of the first consultancy report, in which the area of land estimated to be available differed significantly (Table 1). The conclusion of the first version was that there was enough land to support the cattle belonging to the existing and resettlement villages of the first two villages resettled – in other words, Nanguene which was to be resettled to Chinhangane, and Macavene resettled to Banga (Escrivão 2007). This version calculated the area of available land to be 20,000 ha. The second version gave a significantly reduced

<sup>14</sup>Interview, Jean Michel Pavy, Programme Director at the World Bank, Massingir, 17 April 2008.

<sup>15</sup>Interviews with residents, park staff and consultants, January to July 2008.

<sup>16</sup>Agreement signed on 23 August 2007 by the village leaders present. Copies were made and circulated amongst them.

<sup>17</sup>Interview, Jean Michel Pavy, Programme Director at the World Bank, Massingir, 17 April 2008.

Table 1. Two consultancies were carried out to determine available land for grazing post-resettlement, one in December 2007 before funds were stopped due to overlapping land claims, and one in May 2008 after the project had already been allowed to continue.

Date	Consultancy report version	Village	Grazing land available (ha)	Carrying capacity (AU)	Total AU requirement after resettlement	Calculated balance (AU)	Final conclusion
December 2007	1	Chinhangane + Banga	20,000	2875	2427	+448	The current grazing area is enough to support resettlement, but after 1 year there will be a deficit of land because of growth of herds
	2	Chinhangane + Banga	8000	1375	2426	−1051	There is not enough land to support the existing livestock before resettlement
	3	Chinhangane	7300	1137	1015	+122	There is enough land to support livestock from Chinhangane and Nanguene
		Banga	3000	637.5	1412	−774	There is not enough land for the livestock of Banga and Macavene, but alternative land will be made available (20,000 ha)
May 2008	1	Chinhangane	1621	565	1131	−566	Area available for grazing only covers 50% of the needs of the livestock in Chinhangane with Nanguene
		Banga	2630	1106	1568	−462	Area available for grazing only covers 60% in Banga with Macavene

Notes: Conclusions about available land differed between versions of the same consultancy and between the two consultancies. The third version of the first consultancy (shaded in grey) was the one the Ministry of Tourism presented to the World Bank to obtain approval for the project to continue.

figure for the total area available (8000 ha) and concluded that there was insufficient land even for the existing livestock (Escrivão 2007). The third version concluded that there was enough land at the time of resettlement and for the future for the villages of Nanguene and Chinhangane, but that there would not be enough for Macavene and Banga, and therefore the additional alternative land where AWF had its project would be needed (Escrivão 2007). This last version was the one presented to the WB representatives, who gave their approval to continue the project. A WB representative explained his perspective about the situation in the following way:

We demanded a carrying capacity study and when we got it, it said that indeed even with ProCana there was enough space for all the cattle in both Chinhangane and Nanguene. What worries me is that there was *just* enough room for the existing animals but not for growth of the herds. But then I was told that they don't even use all of the grazing area – they sometimes send their cattle far away to graze from where they live.<sup>18</sup>

This statement highlights the way in which the WB values the technical knowledge about grazing potential without knowing either how the calculations were made, or about the local grazing practices. Residents send their cattle farther away if there is no longer anything for cattle to eat close by. Having access to less area will only exacerbate this problem – it does not make the issue irrelevant, as this WB representative implies. The use of different figures to calculate carrying capacity, and the initial value for available land, were described by an external observer to comprise a process akin to trial and error:

They hired a consultant from the university to do a quick carrying capacity study of Chinhangane and it showed that given the figure of 20,000 available ha, at a use rate of 7–8 ha per animal unit, this was initially enough land. I asked him where he got the figure of 20,000. He said that it was a government official that told him. The consultant checks this figure using maps and found that there was only 3500 ha of available land. Given this area, there was no way that it could support even the existing cattle in Chinhangane after ProCana. Officials from MiTur consulted the cadastre and found a new figure of 7000 ha by borrowing land from Banga. Using 7000 ha and 5 ha per animal unit the animals of Chinhangane and Nanguene can just squeeze in. This information was submitted to the World Bank and they approved the Resettlement Action Plan again.<sup>19</sup>

After the resettlement project was underway again in 2008, a second study was carried out to determine carrying capacity based on more thorough research and measurements of land (Rural Consult 2008). The report's authors measured the land available for grazing based on global positioning system (GPS) points, excluding the land proposed to be used by ProCana, and concluded, embedded in a paragraph in the final chapter of the report, which was only in Portuguese, that there were only 1,621 ha available for Chinhangane and Nanguene and that this could satisfy only 50 percent of their current livestock's needs (Table 1).

### **Reinterpreting policy to rescind the land acquisition agreement (2008–2009)**

Tensions between local residents, the district government and ProCana began to mount during 2008, when ProCana began to engage in activities on the ground. Until the first

<sup>18</sup>Interview, Jean Michel Pavy, Programme Director at the World Bank, Massingir, 17 April 2008.

<sup>19</sup>Interview, External observer, Massingir, 30 March 2008. The Resettlement Action Plans were submitted to KfW, who depended on the World Bank for support in the resettlement process.

village was resettled from the LNP in November of 2008, MiTur's interests were still aligned with MinAg's interests: to allow peaceful continuation of both projects. In December 2009, however, the government of Mozambique called on the national land law to rescind ProCana's contract. The land law decrees that long-term leases can be retracted if the holder of the lease does not comply with commitments outlined in the contract. The official reason for the termination of the government's contract with ProCana was that the company had not complied with commitments, only having plowed 800 of the 30,000 ha granted to them, and had not been able to begin to produce sugar cane, much less ethanol, despite investments. However, the primary reason for the termination of the lease was reported to be economic; due to international economic changes and global reduced interest in non-carbon fuel sources, the main investor suspended further investment in the project (Borras, Fig, and Suárez 2011; Schut, Slingerland, and Lock 2010). NGOs applauded the government's actions in a public letter to the government reminding us that the contract was rescinded in a moment of elevated conflict between residents and the company, and requesting that future projects take care not to jeopardize the rights and interests of the local communities (Centro Da Terra Viva 2010).

### ***Distrust between ProCana and residents***

The relationship between ProCana and village residents was characterized by distrust from the beginning of the project in late 2006 and early 2007, when ProCana only held meetings with leaders and important elders of the villages to establish consent to use the land. This distrust and lack of transparency was augmented by the suspicions of corruption on the part of some government officials. Then, in September of 2007, when the private interests of the company prevailed over the community-based AWF project, a project that was generally seen as genuinely for the benefit of and run by the villages involved, resentment began to grow. Later, in late 2008 and 2009, ProCana was felt to have disrespected agreements about the boundaries of the land (see also Manuel and Salomao 2009). Leaders of the villages went with ProCana managers to decide on the boundaries they could use and were found later to be cutting trees along another boundary, one closer to the villages, in some cases leaving very little land for grazing and charcoal making. When LNP staff inquired about this, ProCana apparently responded that it was a mistake,<sup>20</sup> yet when village residents complained, ProCana responded that they were marking the line that the airplane told them to mark (referring to GPS points).<sup>21</sup> One village, Marenguele, allowed ProCana to temporarily use a plot of land for a demonstration of a drip irrigation system for 1 year, but it was not returned to the village until 2 and a half years later when ProCana withdrew from the region (CTV 2010). The frustrated residents responded to this by stealing vegetables, sugar cane and other property belonging to ProCana. In a context of conflict and divergence, as described further below, as well as mounting discontent with ProCana on the ground after an initial period of high expectations, there was more space for residents' voices to be heard. This space, as well as the importance given to the voices coming through, contributed to residents having more influence in policy enactment.

<sup>20</sup>Interview, LNP staff member, Massingir, 22 January 2009.

<sup>21</sup>Interview, Chinhangane leader, Chinhangane, 25 January 2009.

***NGO support of residents against ProCana***

NGOs also supported the villages in their resistance against ProCana, by giving publicity to the cause, organizing meetings and providing the residents with information. However, the role that NGOs could play in the first phase was hampered by pressure from both government and ProCana not to make 'noise'.<sup>22</sup> One NGO, ORAM (Organização Rural para Ajuda Mútua, translated as Rural Association for Mutual Help) was publically reprimanded by the governor of the province in a speech in which he stated that ORAM was working against the government that was trying to do everything possible to promote the development of the area.<sup>23</sup> This was a common discourse among ProCana and government officials in an attempt to discredit NGO activity. A ProCana manager said,

These NGOs are getting in the way of development. They don't want these people to come out of poverty. No NGO has ever lifted a country out of poverty. We are trying to and they are just trying to stop us. You should know that rich countries get rich through business, not through small-scale agriculture.<sup>24</sup>

This pressure was so strong that when AWF was forced to leave the area and abandon their project, they decided not to question the decision made by the Council of Ministries, but to accept it out of fear of being discriminated against by the government if they wanted to continue to work in other places in Mozambique. They were well aware of the injustice of the decision for the residents of the area who had invested time and effort into establishing the community-based nature conservancy, and that the decision went directly against the national land law. Not wanting to jeopardize their work in Bahnine National Park, an AWF employee said,

We thought about making a case of this and bringing it to court, but we have to ask ourselves some things: Are we prepared to take this case to court? Would we take it on? Or would the community take it to court and we pay for the lawyer? Are we able to win this case? We decided that we didn't want to be seen as making more conflicts and we didn't want to get involved with land conflicts here in Mozambique.<sup>25</sup>

Later in the process, in 2009, once the resettlement of the first village was completed (November 2008) and as ProCana began to progress with their activities, other NGOs including Centro da Terra Viva (CTV) organized meetings and debates to provide a forum for discussion between the local residents and ProCana.

***Divergence between the district government and ProCana***

Increasingly, the district-level government was also called in to resolve problems caused by ProCana that put them in uncomfortable positions, stuck between their allegiances to the project and their need to be supported by the local population. Interviews with district-level government officials were marked by a drastic withdrawal of enthusiasm and support of the ProCana project over time, without which ProCana's conflicts with local

<sup>22</sup>As a researcher inquiring about the activities of ProCana, I was verbally accosted by ProCana managers who thought that I was working for an NGO.

<sup>23</sup>Interview, External observer, 31 July 2008.

<sup>24</sup>Interview, ProCana employee, Massingir, 10 May 2007.

<sup>25</sup>Interview, AWF employee, Massingir, 17 September 2007.

residents became more and more difficult to manage. Many people speculated that perhaps ProCana was no longer offering financial reward to the district government, but this could not be confirmed.

### *Unlikely bedfellows: LNP, residents and the WB OP 4.12*

Increasing conflict between ProCana and local residents as well as between ProCana and the LNP also created a situation of unlikely alliance between the LNP and local residents. At the beginning of the conflict about the overlapping land claims (early 2007), it was unclear where the park stood with respect to ProCana. As one Nanguene resident described the negotiations, “The park says, “we are in the process of delimiting land with ProCana” and we said, “they are stealing our land””.<sup>26</sup> But as time went on and tensions rose, park meetings with resettling residents became increasingly focused on ProCana because of the uncertainty and delay the ProCana plans created for the resettlement process. LNP staff responsible for resettlement facilitated discussions within the meetings organized to plan resettlement actions about the pros and cons of ProCana (employment, future development, a better future for their children, etc.). These discussions were an attempt to prepare leaders of resettling villages and host villages to confront ProCana. LNP staff attempted to equip them with a united response about their position towards the ProCana project. Commissions were even set up in these meetings to spearhead actions against ProCana, and a park staff member offered to set up a meeting between residents and the district administration about their concerns regarding ProCana.<sup>27</sup> The LNP staff were interested in the residents confronting ProCana and allying with the district government because they were concerned with the success of the resettlement project and felt that if residents were empowered to act for themselves to get what they needed, the resettlement would more likely be a success. Also, at the time, the resettlement process was totally halted. If the land for resettlement could be secured faster, resettlement could progress.

The LNP staff first used the land law and the WB guidelines as resources in displacing residents from the park. In the period 2006–2010, the WB guidelines were seen by certain members of government to be a limitation for rapid resettlement and an externally imposed model that they had to comply with to be eligible for donor funding.<sup>28</sup> In this later phase, the principles of WB OP 4.12 were evoked regularly as park staff informed residents about their rights to compensation for the grazing land. Although follow-through was not as promising as the original discussions about potential actions, it was the beginning of an alliance between the LNP and local residents that strengthened as conflicts with ProCana escalated.

### *Divergence between the Ministry of Agriculture and ProCana*

ProCana’s contract was rescinded primarily because of economic reasons, but fault lines in the support for ProCana, between MiTur and MinAg, and between the national and the district and provincial governments, created space for voices of resistance to be heard and for alternative interpretations of policy. ProCana confronted many challenges on the ground, partially because of the resistance by residents, the LNP (MiTur), NGOs and, later, the district-level government.

<sup>26</sup>Interview, Nanguene resident, Nanguene, 23 June 2007.

<sup>27</sup>Park meeting, 22 May 2007.

<sup>28</sup>Park meeting, 15 August 2008.

In 2011, the land that had been previously granted to ProCana was granted to Massingir Agro-Industrial (MAI) (Hall and Paradza 2012). With many of the same Mozambican partners, the company has begun to re-launch the failed ProCana project as what will be known as the Massingir Project for Biofuel Development, this time with a different international partner: TSB, formerly Transvaal Suiker Beperk, from South Africa (Esi-Africa 2011; Hall and Paradza 2012). However, at the time of publication of this paper, the MAI project had still not begun to plant sugar cane. This points to another inconsistency in the enactment of the land law – it has been more than 2 years and MAI has not advanced further than ProCana, yet their contract has not been rescinded.

## Conclusions

The relationship between policy ideas and policy in practice is not easily predictable. Policies such as WB OP 4.12 or the Mozambican national land law in this case, and the Voluntary Guidelines in other cases, of land grabbing quickly become a contested resource (Borras, Franco, and Wang 2013). The mere adoption of these policies is insufficient to protect rural dwellers from dispossession (Fortina and Richardson 2013; Wisborg 2013b). Therefore, the task at hand is to identify patterns that help us to understand policy enactment in the context of land grabbing. This case points to three conclusions. First, convergence among powerful groups was a key factor in shaping the policy process, creating a challenge for ensuring informed consent and hearing voices of resistance. Second, space for enactment of policy is shaped at the interface of politics from ‘in the air’ and politics from ‘on the ground’. Third, when a land grab and a green grab collided, more actors and their corresponding policies and development narratives were brought into the policy enactment environment, making it even more complex.

When three land claims collided, the resolution agreed upon by government at the national level excluded the longstanding AWF project and disregarded the consequences that the compromise would have on local residents. These two issues were not a concern for the council of ministries when the agreement was made, or to the WB when the plan was approved. When powerful groups aligned with each other, policy was enacted to dispossess residents of their land (see also Alden Wily 2011b; Vermeulen and Cotula 2010). The notion of a ‘weak’ state lacking in capacity is again refuted here (Hall and Paradza 2012). The means used by the state, under the observation of international donors, to exclude local people and silence voices of resistance point to the challenge of attaining truly informed consent or participation of residents in negotiating land deals (Seufert 2013). At a later phase, divergence between powerful groups did allow space for local residents to defend their rights to land and express their discontent with the actions of ProCana.

Second, this case highlights the way policy enactment was a co-creation at the interface of politics ‘in the air’, and politics ‘on the ground’. As Borras and Franco (2013) discuss the false dichotomy of the reactions of local people to large-scale land acquisitions, this case shows that not only were there multiple reactions and forms of resistance from the far-from-powerless, heterogeneous local residents, but that they changed over time. When ProCana was still ‘in the air’, some residents were hopeful that the project would bring economic and other benefits. Residents both welcomed the land acquisition and actively mobilized against the company when promises did not materialize into reality. When the work in the terrain began and ProCana began to actively engage in politics ‘on the ground’, bringing the district-level government with them, local residents in Massingir had considerable power to exert their sovereignty over their territory (Hall and Paradza 2012). NGOs were also increasingly permitted to participate, as government officials

saw benefit in aligning themselves with the resistance movement in order to gain the support of the local residents. This analytical lens highlights how policy was enacted during the phase in which the land was being secured for the land grab, when ProCana was engaged in politics ‘in the air’, and how the policy process shifted when activities began on the land itself and the company engaged in politics ‘on the ground’.

The collision between a land grab for sugar cane production and a green grab for nature conservation brought together a wider range of actors, policies and narratives than in the case of a single or even multiple land grabs of the same nature. This created a complex environment for the process of policy enactment in which alliances shifted and outcomes were surprising. Networks converged, joined by certain development narratives, supported by specific types of knowledge, to sway policy enactment. The network supporting ProCana represented a narrative about the potential of agro-industry to bring development, while the network supporting the LNP represented a narrative about the global value of conservation and the potential of tourism to bring development, and therefore the need to resettle people. The compromise found to allow both projects to co-exist prioritized first the interests of the land grab (ProCana), then the green grab (LNP). The agreement was based on a development narrative of more intensive and efficient grazing, backed by ‘scientific’ knowledge and approved by the WB. These narratives have the power to mobilize people and money, which can result in displacement and pressure on local people’s livelihoods (Lunstrum [Forthcoming](#)).

In conclusion, at the interface of politics ‘in the air’ and politics ‘on the ground’, there is a sphere of micro-politics in which policy is translated into action. If we are to better understand the potential for policy to protect rural dwellers from dispossession, we must not ignore what goes on in this complex space.

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